

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUKAS ELIJAH HENDERSON,
Plaintiff,
v.
NIKE HEADQUARTERS, et al.
Defendants.

No. 1:23-cv-01556-KES-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION WITH PREJUDICE

Doc. 7

Plaintiff Lukas Elijah Henderson, proceeding pro se and in forma pauperis, initiated this civil action on November 3, 2023. Doc. 1. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 27, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, with prejudice, for failure to comply with Federal Rule of Civil Procedure 8 and failure to state a cognizable claim upon which relief may be granted. Doc. 7. Specifically, the findings and recommendations found that plaintiff had not made a plain statement of his claims as the first amended complaint “does not include sufficient factual allegations to state a cognizable claim,” including not alleging “facts describing what happened or when it happened.” *Id.* at 2-3. The findings and recommendations further found that while plaintiff may represent himself pro se, to the extent he is attempting to assert claims on behalf of other entities, such as Luca Vision Entertainment Furniture and

1 Appliances etc., he may not do so. *Id.* at 3. Finally, the findings and recommendations found that
2 plaintiff failed to assert a claim for patent infringement, because in his first amended complaint,
3 plaintiff does not identify the relevant patent in dispute, allege that he owns a patent, or allege any
4 acts constituting purported infringement. *Id.* The findings and recommendations were served on
5 plaintiff and contained notice that any objections thereto were to be filed within fourteen (14)
6 days after service. *Id.* at 4. On January 4, 2024, plaintiff filed objections. Doc. 8.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court conducted a de
8 novo review of this case. Having carefully reviewed the file, including plaintiff's objections, the
9 Court concludes that the findings and recommendations are supported by the record and by
10 proper analysis and that granting further leave to amend would be futile.

11 Plaintiff's objections do not undermine the magistrate judge's analysis. In his objections,
12 plaintiff did not meaningfully provide, or indicate that he could provide, more robust details
13 regarding what happened or when it happened such that his claim would pass muster under
14 Federal Rule of Civil Procedure 8. *See* Doc. 8. Moreover, plaintiff still has not alleged that he
15 owns a valid patent to support a claim for patent infringement. Construed most liberally,
16 plaintiff's objections state that Luca Vision Entertainment Furniture and Appliances etc. owns a
17 patent, which he claims that defendants have infringed. *See* Doc. 8 at 1. However, this cannot
18 cure the pleading's deficiencies, because plaintiff fails to identify sufficient details to plead a
19 claim under Rule 8. Additionally, as the findings and recommendations point out, plaintiff may
20 not represent an entity other than himself and thus may not assert a patent infringement claim on
21 behalf of Luca Vision Entertainment Furniture and Appliances etc. or any other entity.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

Accordingly, IT IS HEREBY ORDERED:

1. The findings and recommendations issued on December 27, 2023, Doc. 7, are adopted in full;
2. This action is dismissed, with prejudice, for plaintiff's failure to comply with Federal Rule of Civil Procedure 8 and failure to state a cognizable claim upon which relief may be granted; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: November 25, 2024


UNITED STATES DISTRICT JUDGE